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Carrier IQ, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re Carrier IQ, Inc. Consumer Privacy  
Litigation

[This Document Relates to All Cases]

Case No. C-12-md-2330-EMC

**FURTHER JOINT CASE  
MANAGEMENT CONFERENCE  
STATEMENT**

Date: April 13, 2015  
Time: 2:30 p.m.  
Place: Courtroom 5, 17<sup>th</sup> Floor  
Judge: Hon. Edward M. Chen

Pursuant to Civil Local Rule 16-10(d), plaintiffs' interim co-lead counsel and counsel for defendants Carrier IQ, Inc., HTC America, Inc., HTC Corporation, Huawei Device USA, Inc., LG Electronics, Inc. and LG Electronics MobileComm U.S.A, Inc., Motorola Mobility LLC, Pantech Wireless, Inc., Samsung Telecommunications America, LLC, and Samsung Electronics Co., Ltd. (collectively, "Defendants") submit the following Further Joint Case Management Conference Statement in advance of the Further Case Management Conference currently scheduled for April 13, 2015.

**1. SETTLEMENT BETWEEN PLAINTIFFS AND CARRIER IQ**

As described in the Joint Notice of Settlement submitted to the Court on November 3, 2014 (Dkt. No. 322), Plaintiffs and Defendant Carrier IQ have reached an agreement in principle that will resolve Plaintiffs' claims against Carrier IQ on a classwide basis. Plaintiffs and Carrier IQ are proceeding to document their settlement-in-principle and continue to consult regarding a motion for preliminary approval, considering, among other factors, the possibility of an omnibus motion for preliminary approval in the event that settlement is reached in the near future among Plaintiffs and the Original Equipment Manufacturer ("OEM") Defendants.

**2. MEDIATION**

On March 17, 2015, all parties attended a third mediation session before the Hon. James Larson (Ret.), during which Plaintiffs and the OEM Defendants made significant progress towards reaching a classwide settlement. In light of that progress, the parties plan to hold another mediation session on April 27, 2015, which was the earliest date available for all necessary parties and Judge Larson. The parties therefore respectfully request that the Court continue the Further Case Management Conference to a date after April 27, 2015. The parties plan to file a stipulation seeking this continuance. In the event that an agreement in principle is reached at the April 27, 2015 mediation, the parties will promptly file a notice of the same and begin documenting their agreement.

**3. DISCOVERY**

In early December 2014, Plaintiffs asked certain OEM Defendants to supplement their initial disclosures to include relevant insurance agreements. The Samsung defendants and Pantech

1 Wireless, Inc., subsequently provided Plaintiffs with the requested insurance agreements, while  
 2 Motorola Mobility LLC has said it will do so. Furthermore, HTC Corporation, LG Electronics,  
 3 Inc., and Samsung Electronics Co., Ltd. have not yet served Plaintiffs with their initial disclosures.

4 Also in early December 2014, Plaintiffs requested that the OEM Defendants, except the  
 5 HTC Defendants, supplement their responses to Plaintiffs' pre-ADR Interrogatory No. 4 and  
 6 plaintiffs' pre-ADR Requests for Production ("RFPs") Nos. 7, 10 and 11—which relate to whether  
 7 the Carrier IQ software, or any component thereof, was programmed or installed on the OEM  
 8 defendants' devices in such a way as to cause or permit the logging to the device logs of any type  
 9 of consumer content or communications—in light of Carrier IQ's responses to a similar  
 10 Interrogatory. The OEM Defendants proceeded to verify the completeness of their responses to  
 11 the above mentioned Interrogatory and RFPs in light of Carrier IQ's responses. LG Electronics  
 12 MobileComm U.S.A. provided plaintiffs with a supplemental response to pre-ADR Interrogatory  
 13 No. 4 and another OEM defendant, Huawei Device USA, Inc., has conferred with plaintiffs and  
 14 represented that, based on its investigation to date, its answers to the Interrogatory and RFPs are  
 15 complete as-is, but it is continuing its investigation. The other OEM defendants continue to  
 16 investigate to confirm the completeness of their Interrogatory and RFP responses and to determine  
 17 if those responses need to be supplemented in accordance with Fed. R. Civ. P. 26(e). Plaintiffs  
 18 have requested that such investigation be completed, and that any supplementation be made, prior  
 19 to the parties' next mediation session on April 27, 2015.

20 The parties are hopeful that any discovery disputes that may arise from Plaintiffs'  
 21 supplemental requests can be resolved without court intervention

#### 22 **4. THIRD CONSOLIDATED AMENDED COMPLAINT**

23 Plaintiffs' Third Consolidated Amended Complaint ("TCAC") is presently due on April  
 24 27, 2015, the same day as the parties' next scheduled mediation session. In light of this, the  
 25 parties have agreed that Plaintiffs shall have until May 4, 2015 to file their TCAC in the event that  
 26 filing it is necessary because a settlement was not reached on April 27, 2015 among the Plaintiffs  
 27 and the OEM Defendants. The parties plan to file a stipulation to this effect, asking the Court to  
 28 order this one-week extension, by tomorrow, April 7, 2015.

1 Dated: April 6, 2015

By: /s/ Robert F. Lopez

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By: /s/ Norman K. Beck

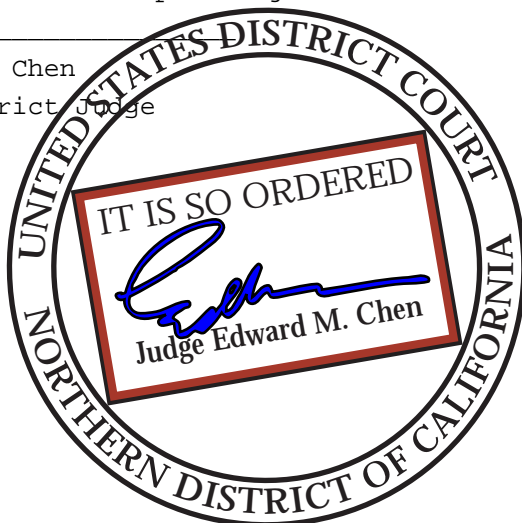
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IT IS SO ORDERED that the further CMC is reset from 4/13/15 to 5/21/15  
at 10:30 a.m. An updated joint CMC Statement shall be filed by 5/14/15.

\_\_\_\_\_  
Edward M. Chen  
U.S. District Judge



**ATTESTATION PURSUANT TO Local rule 5-1(i)(3)**

I, Robert G. Retana, am the ECF User whose identification and password are being used to file this **FURTHER JOINT CASE MANAGEMENT CONFERENCE STATEMENT**. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all signatories have concurred in this filing.

Dated: April 6, 2015

/s/ Robert G. Retana

Robert G. Retana